United Nations A/72/322

General Assembly

Distr.: General
14 August 2017

Original: English

**Seventy-second session**
Item 73 (c) of the provisional agenda*
**Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives**

# Situation of human rights in the Islamic Republic of Iran

## Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, submitted in accordance with Human Rights Council resolution 34/23.

* A/72/150.
** The present report was submitted after the deadline as a result of consultations with the Islamic Republic of Iran.

17-13925 (E) 230817

Please recycle

# Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

*Summary*

During its thirty-third session, the Human Rights Council appointed Asma Jahangir as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. The present report outlines the activities carried out by the Special Rapporteur since the issuance of her first report to the Council (A/HRC/34/65), examines ongoing issues and presents some of the most recent and pressing developments in the area of human rights in the country.

## Contents

| | | Page |
|---|---|---|
| I. | Introduction | 3 |
| II. | Charter on Citizens' Rights | 4 |
| III. | Civil and political rights | 4 |
| | A. Right to take part in the conduct of public affairs | 4 |
| | B. Rights to freedom of expression, opinion, information and the press | 6 |
| | C. Freedom of association and assembly and the situation of human rights defenders | 8 |
| | D. Arrest and detention of dual nationals | 9 |
| | E. Right to life | 11 |
| | F. Right to be free from torture and other cruel, inhuman or degrading treatment or punishment | 15 |
| IV. | Thematic rights issues | 17 |
| | A. Women's rights | 17 |
| | B. Ethnic and religious minorities | 18 |
| V. | Conclusions and recommendations | 20 |

# I. Introduction

1. Since she took up her mandate, the Special Rapporteur has observed several developments that could lead to positive changes in the human rights situation in the Islamic Republic of Iran. These include the adoption of the Charter on Citizens' Rights and the announcement that an implementation body of the Charter will be established, as well as the recent strides made by Parliament in the reform of drug laws in the Islamic Republic of Iran.

2. The Special Rapporteur welcomes the high rate of participation in the presidential and local elections held in May, which showed the attachment of the Iranian people to democratic values and human rights. She is also encouraged by stances taken by the President of the Islamic Republic of Iran, Hassan Rouhani, during his electoral campaign in favour of freedom of the press and the necessity of advancing women's empowerment as well as the rights of all minorities and the most marginalized segments of Iranian society. President Rouhani also voiced concerns about pressure to curtail social media, the continuous placement of reformist leaders under house arrest and the repression of students.

3. In December 2016, the Special Rapporteur undertook a visit to Geneva, where she met with representatives of the authorities of the Islamic Republic of Iran and the United Nations High Commissioner for Human Rights as well as international non-governmental organizations. She presented her first report to the Human Rights Council (A/HRC/34/65) in March 2017 and met with officials from the Iranian High Council for Human Rights and the judicial branch, as well as civil society organizations operating both inside and outside the Islamic Republic of Iran. In June, she also held various consultations in Geneva and met with Iranian authorities.

4. The present report presents primarily information gathered from various sources. This includes information gathered from government responses to communications transmitted jointly by special procedures mandate holders during the first six months of 2017, information gathered from various websites maintained by branches and agencies of the Government, information published or submitted by non-governmental organizations located inside the Islamic Republic of Iran, laws and draft legislation, and information gleaned from statements published either by national media sources or by individual government officials.

5. From January to June 2017, the Special Rapporteur transmitted 21 communications to the Government jointly with other thematic special procedures mandate holders, on behalf of 81 alleged victims of human rights violations. The Government responded to three of these communications, considerably reducing its rate of reply compared with the previous six months.

6. Information received continues to highlight serious human rights challenges in the country, including the arbitrary detention and prosecution of individuals for their legitimate exercise of a broad range of rights; the persecution of human rights defenders, journalists, students, trade union leaders and artists; a high level of executions, including of juvenile offenders; the use of torture and ill-treatment; widespread violations of the right to a fair trial and due process of law, especially before revolutionary courts; and a high level of discrimination against women and religious and ethnic minorities. The report also addresses the widespread impunity that authorities responsible for past and current human rights violations continue to enjoy.

# II. Charter on Citizens' Rights

7. In her first report to the Human Rights Council, the Special Rapporteur indicated that she was encouraged by the adoption in December 2016 of the Charter on Citizens' Rights.[1] The Charter is based largely on rights already set out in the Constitution and existing laws of the Islamic Republic of Iran, such as the rights to dignity and equality for all, freedom and personal security, freedom of thought and expression and access to information, and other key rights. However, in key areas such as women's rights and the rights of ethnic and religious minorities, the Charter offers almost no new rights protection.

8. Concerns have been raised about the non-binding legal nature of the Charter on Citizens' Rights. In December 2016, Elham Aminzadeh, one of the President's senior legal advisers, recognized that the Charter was not yet enforceable.[2] President Rouhani then announced during his election campaign that one of his plans for his first 100 days in office was to establish a special State body in charge of the implementation and protection of the rights set out in the Charter.[3] He also stressed that the Charter would be implemented by the next Government, which would hold other branches responsible for the way they treat citizens.[4]

9. The Special Rapporteur welcomes the fact that the aim of the Charter on Citizens' Rights is to serve as human rights guidelines for the executive branch. Reports indicate that some ministries are directly involved in human rights violations, in particular the denial of due process, censorship of the arts and print media, and restrictions imposed on religious minorities. Intelligence and security agencies are also widely accused of intimidation, harassment, torture and illegal detention of activists, human rights defenders, journalists and persons belonging to minorities. However, in order for the basic rights set out in the Charter, as guaranteed by the Constitution, to be meaningfully respected, broader institutional reforms are needed.

# III. Civil and political rights

## A. Right to take part in the conduct of public affairs

10. Presidential and local city and village council elections were held simultaneously in the Islamic Republic of Iran on 19 May 2017. President Rouhani was re-elected by a wide margin for a second term.[5]

11. During the period of candidate registration, a total of 1,636 individuals, including 137 women, submitted their names as candidates for president. However, in April, the Guardian Council, a body of six clerics appointed by the Supreme Leader that oversees the electoral process and vets the candidates, announced that the candidatures of only six men (0.37 per cent of the applicants) had been approved. Among them was Ebrahim Raisi, who reportedly had served on a committee that had ordered the extrajudicial executions of thousands of political prisoners in 1988.

---

[1] See A/HRC/34/65, para. 5.

[2] See www.mehrnews.com/news/3852908/.

[3] See https://goo.gl/ZCjj8s.

[4] See www.irna.ir/fa/News/82517464/.

[5] President Rouhani won 18,613,329 of the 36,704,156 votes cast, which represented 50.71 per cent of the vote.

12. As during past elections, the exclusion of women, candidates representing the political opposition and non-Shiites was justified on the basis of article 115 of the Constitution,[6] which provides that presidential candidates must be "political and religious *rejal*"[7] and "faithful and adherent to the foundations of the Islamic Republic of Iran and to the official religion of the country". In May, more than 180 women's rights activists signed a declaration stating their demands for an end to gender discrimination and for women to fill "at least 30 per cent" of ministerial positions.

13. Applicants for local elections were vetted by monitoring boards set up by Parliament. As a result of this process, a number of reformist applicants from across the country were disqualified, including Abdollah Momeni, Ali Tajernia and Nasrin Vaziri, who had previously been imprisoned for participating in the peaceful protests disputing the results of the 2009 election.

14. The Special Rapporteur received information about numerous cases of the arrest and detention of members of opposition parties in the lead-up to the elections.

15. Saleh Deldam, a member of the Mardom Salari reformist political party was arrested in February on charges of propaganda against the State by the Ministry of Intelligence and Security. Mr. Deldam had previously been detained and interrogated on numerous occasions by intelligence officers and the Revolutionary Guards because of public statements that he had made.

16. In March, Hengameh Shahidi, a reformist senior member of the Etemad Melli (National Trust) opposition party, was arrested without a warrant at her home in Mashhad. Anticipating her arrest, she had composed two letters in which she explained that she was being targeted "as part of a project to arrest political activists and journalists" and urged President Rouhani to halt the crackdown. Soon after her arrest, Ms. Shahidi was transferred to section 209 of Evin Prison under the control of the Ministry of Intelligence and Security, and she has been detained in solitary confinement since then. Ms. Shahidi went on a hunger strike the day of her arrest. At the time of reporting, she was still unaware of the charges against her and unable to contact her lawyer. In their comments on the present report, the Iranian authorities indicated that Ms. Shahidi had been charged with propaganda against the regime and collusion with the intent to undermine the country's internal security.

17. At least one of Mr. Rouhani's campaign offices, in North Tehran, and one reformist headquarters, in Mashhad, were subjected to sabotage attempts or forced closures, or staffers were impeded from campaigning in the streets.[8] Reformist political activist Faezeh Hashemi, a former Member of Parliament and the daughter of the late President Akbar Hashemi Rafsanjani, was also prevented by security forces from speaking at Rouhani's campaign office in Arak in April.[9]

18. During his last campaign rally, held in the city of Mashhad in May, President Rouhani cautioned the Revolutionary Guards and Basij paramilitary forces from interfering in the political process.

19. The Special Rapporteur welcomes the assurances given by President Rouhani during his campaign that the former presidential candidates Mir Hossein Mousavi, Mehdi Karroubi and Zahra Rahnavard, who have been held under house arrest for

[6] Similar rules are contained in article 35 of the Presidential Electoral Law.

[7] The Arabic word "*rejal*", contained in article 115 of the Constitution, means "men".

[8] See http://iranprimer.usip.org/blog/2017/may/16/race-final-stretch and https://www.iranhumanrights.org/201[illegible]05/judiciary-shuts-down-reformists-campaign-headquarters-in-irans-second-largest-city/.

[9] See www.iranhumanrights.org/2017/05/prominent-political-activist-faezeh-hashemi-barred-from-speaking-at-rouhani-campaign-event/.

the past six years in the absence of charges or a trial, will soon be freed. She calls on Iranian authorities to proceed immediately and unconditionally with their release, as well as the release of all political opponents jailed in the lead-up to the elections. The Special Rapporteur also recommends that all discriminatory provisions that unduly restrict women and members of religious minorities from taking part in the conduct of public affairs be repealed.

## B. Rights to freedom of expression, opinion, information and the press

20. By ratifying international human rights instruments, the Islamic Republic of Iran has committed itself to protecting human rights defenders and to ensuring freedom of opinion, expression and peaceful assembly, which constitute indispensable conditions for the full development of the person and the foundation for every free and democratic society. The Charter on Citizens' Rights recognizes the right of every citizen to freedom of speech and expression (article 26), the right to freely seek, receive and publish views and information pertaining to various issues, using any means of communication, and the right to communicate and obtain information without restriction, unless by explicit legal authority.

21. Nevertheless, since the beginning of the year, the Special Rapporteur has received a large amount of evidence that these rights continue to be disrespected and were particularly violated during the electoral period.

22. At least 12 journalists as well as 14 bloggers and social media activists reportedly either were in detention or had been sentenced for their peaceful activities as of June 2017, including Morad Saghafi, Ehsan Mazandarani, Zeinab Karimian and Tahereh Riahi. Many others remain subjected to interrogation, surveillance and other forms of harassment and intimidation. The Islamic Republic of Iran was ranked 165th out of 180 countries on the 2017 World Press Freedom Index of Reporters without Borders.[10]

23. In January, Zeinab Karimian, a producer for the State-run television programme *Salam Khorshid* and former reporter for the official Islamic Republic News Agency, was arrested. Since then, her family has had limited contact with her, and the reasons for her detention were still not known at the time of reporting. The Iranian authorities informed the Special Rapporteur that Ms. Karimian had been charged with being an "accessory to corruption on Earth".

24. In March, Ehsan Mazandarani, former Editor-in-Chief of the reformist newspaper *Farhikhtegan*, was returned to Evin Prison by agents of the Islamic Revolutionary Guard Corps, who came to his home and reportedly shocked him with a taser stun gun. This arrest took place only a month after he had been released from jail. Mr. Mazandarani had previously been arrested in November 2015 and sentenced to two years in prison on charges of assembly and collusion with the intention of committing a crime. He had also been banned from working as a journalist for two years.

25. The same month, security forces arrested Morad Saghafi, the editor of *Goftegoo Magazine*. In a speech at a seminar on local affairs, Mr. Saghafi had criticized the "unchecked powers" of Iranian officials and accused local authorities of running Tehran in a "corrupt and dictatorial" manner.[11] Revolutionary Guards

[10] See https://rsf.org/en/ranking.

[11] See https://cpj.org/2017/03/iranian-editor-social-media-moderator-detained.php.

also arrested seven administrators of 12 reformist-aligned channels on the popular Telegram messaging application.[12]

26. In April, Prosecutor-General Mohammad Jafar Montazeri explained that the social media application Instagram Live, used by Iranians to circulate information in real time about the candidates and their campaigns, had been blocked because the intelligence agencies could not monitor it. In June, six of the jailed administrators started a hunger strike in Evin Prison to protest their prolonged detention without access to legal counsel.

27. During the same month, another journalist, Issa Saharkhiz, was arrested a day after his release from jail and sentenced to one year in prison for reportedly insulting former President Mahmoud Ahmadinejad and the head of the judiciary, Sadeq Larijani.[13]

28. In June, Tahereh Riahi, an editor who had worked for the media division of Mr. Rouhani's campaign, was released on bail after six months of solitary confinement in section 209 of Evin Prison. Ms. Riahi had been arrested by agents of the Ministry of Intelligence and Security and was unaware of the charges brought against her until recently. Asal Esmailzadeh, another member of Mr. Rouhani's media team, was arrested in June.

29. In June, Mahmoud Vaezi, Minister of Communications and Information Technology, acknowledged that his ministry had filtered 7million websites during Rouhani's first term.[14]

30. The Special Rapporteur emphasizes that the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other forms of media to allow comment on public issues without censorship or restraint and to inform public opinion.[15] She views as positive the strong stances taken by President Rouhani during his electoral campaign[16] and hopes that they will be followed by prompt measures for effective protection of the rights to freedom of opinion and expression and by the immediate release of all those who have been charged, sentenced and/or jailed for exercising those rights.

31. The Special Rapporteur also remains concerned about the detention of artists and musicians for peacefully exercising their right to free expression. While welcoming the release in April of Iranian filmmaker Keywan Karimi after he had spent nearly five months in prison, she notes that his five-year suspended prison sentence remains in place and that the authorities may reportedly enforce his flogging sentence of 223 lashes at any time.[17] In June, Mehdi and Hossein Rajabian, two music producers, were also temporarily released on bail after having spent 13 months in detention. Both were sentenced to six years in prison in 2015 for "insulting the sacred" and "propaganda against the State", after a 15-minute trial by a revolutionary court. Their sentence was reduced to three years in prison upon appeal.

[12] See https://rsf.org/en/news/iran-deprives-55-million-voters-freely-reported-news.
[13] See www.tasnimnews.com/fa/news/1396/02/06/1389943.
[14] See www.isna.ir/news/96031608592/.
[15] See CCPR/C/GC/34.
[16] See www.isna.ir/news/96010601589.
[17] See www.amnestyusa.org/urgent-actions/urgent-action-victory-iranian-filmmaker-keywan-karimi-released-iran-ua-1916/.

## C. Freedom of association and assembly and the situation of human rights defenders

32. The situation of human rights defenders, including anti-death-penalty campaigners, women's rights activists, trade unionists, human rights lawyers, minority rights activists and relatives of those summarily executed or forcibly disappeared during the 1980s who are seeking accountability, remains deeply concerning.

33. In January, the Special Rapporteur raised alarm over the critical health situation of several prisoners of conscience on a life-threatening hunger strike in the Islamic Republic of Iran to contest the legality of their detention.[18] Among them were Saeed Shirzad, Ali Shariati, Mohammad Reza Nekounam, Hassan Rastegari Majd, Mehdi Koukhian, Nezar Zaka, Mohammed Ali Taheri and Arash Sadeghi. All of them were still in jail as of June. Omid Alishenas, an anti-death-penalty activist, was also still in detention in June.

34. In January, Golrokh Ebrahimi Iraee, who had been sentenced to a six-year prison sentence on charges that included "insulting Islamic sanctities" for writing an unpublished story about the practice of stoning, was temporarily released as a result of the hunger strike of her husband, the human rights defender Arash Sadeghi, but was re-arrested a couple of days later. The Iranian authorities explained that, since there was now a possibility under the new Islamic Penal Code to change a stoning sentence to a death sentence, the court had decided that her activities were defaming Islamic sanctities.

35. Mr. Sadeghi, who has been kept in solitary confinement in a security ward at Evin Prison, is currently reported to be in critical condition because of his prolonged hunger strike and the fact that he has been denied medical assistance. In June, Revolutionary Guards reportedly told Mr. Sadeghi that they would not let him leave the prison alive. The Special Rapporteur urges the Iranian authorities to immediately intervene to save his life.

36. In her first report, the Special Rapporteur drew attention to the arbitrary arrest and detention of the prominent human rights defender Narges Mohammadi, who is serving a 16-year prison sentence handed down by a revolutionary court for her anti-death-penalty activities.[19] In April, the Supreme Court rejected her request for judicial review. Since then, Ms. Mohammadi has reportedly proposed a furlough in exchange for her written commitment not to speak about her case or meet anyone in relation to it. In an open letter, Ms. Mohammadi responded that her imprisonment had made her more determined to carry out her peaceful defence of human rights.[20]

37. The Special Rapporteur has continued to receive information about actions being taken, mainly by the judiciary, against the families and lawyers of activists and dissidents in order to exert pressure on them.

38. In January, the authorities charged the two sisters of Atena Daemi, an anti-death-penalty activist who has been detained since November 2016. Hanieh and Ensieh Daemi were accused of "insulting the Supreme Leader", "intentional assault", "obstructing public officials in the performance of their official duties" and "insulting public officers on duty" by opposing the violent manner in which the Revolutionary Guards had raided the house of Atena Daemi's parents and forcibly arrested her. In March, branch 1162 of the criminal court in Tehran sentenced each of them to a prison term of three months and one day. In April, Atena Daemi went

[18] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21071&LangID=E.

[19] See A/HRC/34/65, paras. 53-55.

[20] See www.humanrights-ir.org/?p=1743.

on a hunger strike in protest against those sentences. In May, in a positive development, the appeals court reversed the first-instance verdict.

39. Serious concerns also persist concerning laws and practices that continue to impose undue restrictions on the right to freedom of association and a ban on independent trade unions. The Labour Code of the Islamic Republic of Iran permits worker representation only through an Islamic labour council or a trade association (guild society).[21] Candidates standing for election to Islamic labour council boards are subjected to screening procedures, including to demonstrate their Islamic belief and their "practical allegiance" to Islam, and to show that they are faithful to the rule of the Supreme Leader.

40. Many trade unionists continue to languish in prison for their peaceful activism and protest against unpaid wages, precarious work conditions, staggering inflation and poor living conditions. In particular, this is the case with Esmail Abdi, a mathematics teacher and member of the board of directors of the Tehran Teacher Trade Association, who is serving a six-year prison sentence; and Behnam Ebrahimzadeh, a member of the Committee to Pursue the Establishment of Workers' Organizations, who has spent nearly seven years in prison, serving two separate terms totalling almost 13 years. In March, Mehdi Farahi Shandiz, a member of the Committee to Pursue the Establishment of Labour Unions in Iran, was exiled to a remote prison in Qazvin Province.

41. Many others face prison sentences solely for their peaceful trade union activities, including: three other members of the board of directors of the Tehran Teacher Trade Association, Mahmoud Beheshti Langroodi, Mohammad Reza Niknejad and Mehdi Bohlooli; a member of the Committee to Pursue the Establishment of Workers' Organizations, Mahmoud Salehi; three members of the Syndicate of Workers of Tehran and Suburbs Bus Company, Davoud Razavi, Ebrahim Madadi and Reza Shahabi; and two members of the Free Union of Workers of Iran, Jafar Azimzadeh and Shapour Ehsanirad. The trade unionists were all sentenced to harsh prison terms ranging from 5 to 11 years, after trials before revolutionary courts on national security charges. Participation in peaceful trade union activities was invariably accepted as "evidence" of charges brought against them in the court rulings.

42. In June, a travel ban was imposed by the Iranian judiciary on two prominent labour rights activists and members of the Tehran bus drivers union, Reza Shahaabi and Davoud Razavi, who were prevented from attending the 106th session of the International Labour Conference, held in Geneva, despite being invited. Both of them were prosecuted for engaging in peaceful and legitimate trade union activities. A number of such convictions were reportedly handed down by Judge Abolghassem Salavati.

## D. Arrest and detention of dual nationals

43. In 2016, the Working Group on Arbitrary Detention identified an emerging pattern involving the arbitrary deprivation of liberty of dual nationals in the Islamic Republic of Iran.[22] That pattern was confirmed during the first half of 2017.

44. In April, the Special Rapporteur alerted the Government to the rapid deterioration in the physical and mental health of Siamak and Baquer Namazi, both of whom hold dual Iranian-American citizenship. Baquer Namazi, an 80-year-old

[21] Section 130 of the Labour Code states that the establishment of Islamic societies is "to propagate and disseminate Islamic culture and to defend the achievements of the Islamic revolution".

[22] See A/HRC/WGAD/2016/28, para. 48.

former official of the United Nations Children's Fund, arrived in the Islamic Republic of Iran in February 2016 with a view to securing the release of his son Siamak and was arrested upon his arrival. Both were sentenced to 10 years in prison on charges of "collusion with an enemy State" in October 2016.[23] In March, an appeal hearing in their case was held; however, at the time of reporting, the decision remained pending.

45. In April, the Supreme Court rejected the second appeal of Nazanin Zaghari-Ratcliffe, an Iranian-British project manager for the Thomson Reuters Foundation, who had been arrested by security agents in April 2016 as she was returning to the United Kingdom of Great Britain and Northern Ireland with her 22-month-old daughter. Her detention was found to be arbitrary by the Working Group on Arbitrary Detention in August 2016.[24] She was sentenced in September 2016 to five years' imprisonment on "secret charges" following a trial in which her lawyer had only five minutes to argue her defence and she was prohibited from speaking. At the time of reporting, the passport of her daughter remained confiscated. The Iranian authorities placed her in the care of her grandparents, with no possibility for her British father to visit.

46. In May, the Working Group on Arbitrary Detention ruled that the detention of Khamal Foroughi, a 77-year-old British-Iranian citizen who has been detained in Evin Prison since his arrest in May 2011, was arbitrary and called for his immediate release.[25] Mr. Foroughi had been arrested by plain-clothes men who did not show any arrest warrant or explain the reasons for his arrest. Initially, he was held in solitary confinement for more than 18 months without being informed of the charges against him. Later, he was convicted on charges of "espionage" and for possessing alcoholic beverages. Mr. Foroughi's health condition has deteriorated, and he is currently in urgent need of specialized medical care.

47. In May, the Special Rapporteur intervened on behalf of Dr. Ahmadreza Djalali, a 45-year-old Iranian national and resident of Sweden who is a medical doctor, lecturer and researcher in disaster medicine, who had been arrested in April 2016 by officials from the Ministry of Intelligence and Security. The procedure against him was marred by violations of due process and fair trial guarantees, including incommunicado detention, denial of access to a lawyer and alleged emotional and psychological pressure to sign statements. In January, Dr. Djalali was taken before branch 15 of the revolutionary court in Tehran without his lawyer and informed that he was accused of "espionage" and could face the death penalty. The prosecution authorities reportedly told his lawyer that he could take up Dr. Djalali's case, but refused to share the court files with him.

48. In addition to the above-mentioned individuals, other dual nationals, namely, Roya Nobakht, Kamran Ghaderi, Karan Vafadari and his wife, Ahmadreza Jalali, Abdolrasoul Dorri Esfahani and Sabri Hassanpour, were still in jail as of June. Others continued to be subject to travel bans. The Islamic Republic of Iran does not recognize dual nationality, thus depriving such citizens of consular access while in custody.

---

[23] The Special Rapporteur addressed due process violations in the cases of both Baquer and Siamak Namazi in her first report to the Human Rights Council (see A/HRC/34/65, para. 46).

[24] See https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/208/94/PDF/G1620894.pdf?OpenElement .

[25] See www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_7.pdf.

## E. Right to life

### Death penalty

49. The Special Rapporteur notes with concern that, since the issuance of her first report, the application of the death penalty has continued at an alarming rate. At least 247 persons, including 3 women, have reportedly been executed since January 2017.[26]

50. As in previous years, the majority of these executions have been carried out for drug-related offences. Many of those executed are poor and belong to marginalized groups in Iranian society.

51. On 16 July 2017, Parliament approved amendments to the 1997 Law to Combat Drugs. The draft legislation was then sent back to the judicial and legal commission of Parliament for deliberation on certain changes. The initial amendments, which had been introduced by members of Parliament, had sought to replace the death penalty with imprisonment for up to 30 years for certain non-violent offences. However, reportedly as a result of pressure from judicial and law enforcement authorities, some of the amendments had been retracted and the death penalty maintained for a wide range of drug trafficking offences, based on the quantity and type of drug seized.[27] Once adopted, the law will have to be approved by the Guardian Council.

52. Members of Parliament had formerly requested the judiciary to stop drug-related executions for at least 5,000 prisoners pending further investigation, and on 5 July the members of the judicial and legal commission joined in asking the judiciary for a suspension of executions until Parliament could vote on the bill.[28] However, the measure was not implemented.

53. Reportedly, drug offenders sentenced to death continue to be deprived of their right to a fair trial and due process. In January,. Nusratullah Khazayi was hanged in Qazvin Prison after more than five years in detention, even though his case was still pending. Prison officials did not inform his family that his death sentence had been implemented.[29] During the same month, Hadi Moghaddam was hanged in Karaj Central Prison on a charge of carrying 1 kg of drugs. His appeal was pending in the Supreme Court at the time, and confirmation of his sentence had not been communicated to him.

54. On 5 April, the Committee on the Rights of Persons with Disabilities issued its concluding observations on the initial report of the Islamic Republic of Iran under the Convention on the Rights of Persons with Disabilities. The Committee recommended that the Government replace the death penalty as a form of punishment and ensure that persons with disabilities were not subject to arbitrary deprivation of life. On the same day, the authorities of Tabriz Central Prison executed Marout Abbasi, a man reportedly exempted from mandatory military service owing to mental impairment, who had been sentenced to death on murder charges. A few days later, another man with a psychosocial disability, Rahman Hosseinpour, was also hanged in the same prison.[30]

---

[26] See http://iranrights.org/newsletter.

[27] See www.amnesty.org/en/latest/news/2017/07/iran-must-not-squander-opportunity-to-end-executions-for-drug-related-offences/.

[28] See http://hamshahrionline.ir/details/353801/Society/socialnews and https://www.hrw.org/news/2017/07/20/iran-halt-drug-related-executions.

[29] See www.en-hrana.org/prisoner-executed-qazvin-end-due-process.

[30] See https://iranhr.net/en/articles/2836/.

55. The death penalty for murder charges, referred to as *qisas* (retribution in kind), accounts for the second-largest group of those executed in the Islamic Republic of Iran. In 2017, at least 88 people (35 per cent of reported executions) were executed on the basis of *qisas* provisions. These provisions imply that the responsibility for execution for murder lies with the victim's family. According to the Islamic Penal Code, the application of the death penalty varies depending on the religion of both the perpetrator and the victim. For example, Muslims, followers of recognized religions and "protected persons" who kill followers of unrecognized religions or "non-protected persons" are exempt from *qisas*. This means that if a Muslim killed a follower of the Baha'i faith (which is not a recognized religion) or a non-believer, *qisas* would not be possible.[31]

56. In June, two people convicted of murdering Farhang Amiri, a Baha'i citizen who had been stabbed to death in September 2016, were released on bail after having confessed to killing him because of his faith.[32]

57. Iranian law also permits the imposition of the death penalty for the crimes of adultery, premarital sex, apostasy, blasphemy and homosexuality.[33]

58. In January, the Supreme Court upheld the death sentence of Sina Dehghan for social media posts considered to be apostasy under article 262 of the Islamic Penal Code. Mr. Dehghan had reportedly been tricked into signing his confession.[34] During the same month, the Tehran prosecutor announced that an unnamed man and woman had been sentenced to death on charges of sowing corruption on Earth for "encouraging" illicit sexual relations in the context of a new "sect".[35]

59. In some cases, executions are preceded by the imposition of corporal punishment. In January, the public prosecutor of Alborz Province announced that flogging and death sentences against a man had been carried out in Qazvin Central Prison. In April, the deputy of the Public and Revolutionary Prosecutor's Office of Central Kerman Province announced that a sentence of flogging, incarceration and execution had been carried out against a man convicted on multiple charges, including sexual crime, after its confirmation by the Supreme Court.[36]

60. Revolutionary courts continue to issue the vast majority of death sentences. Violations of the rights to fair trial and due process are systematic before these courts. Legal representation is denied during the investigation phase, lawyers are often refused access to information, many trials reportedly last only a few minutes, and no evidence other than confessions extracted through torture is considered for the imposition of a death sentence.[37]

---

[31] See www.jamnews.ir/TextVersionDetail/405204; http://www.iranhrdc.org/english/human-rights-documents/united-nations-reports/un-reports/1000000454-ihrdc-s-submission-to-the-un-universal-periodic-review.html; and https://iranhr.net/media/files/Rapport-iran-2014-GB-030314-bd-e.pdf, p. 11.

[32] See www.bic.org/news/murderers-bahai-released-bail.

[33] See www.reprieve.org.uk/death-penalty-around-world/the-facts/five-called-crimes-punishable-death.

[34] See www.iranhumanrights.org/2017/03/young-man-facing-death-for-insulting-islam-online-tricked-into-signing-confession/.

[35] See www.isna.ir/news/95122213908.

[36] See http://kerman.isna.ir/default.aspx.

[37] See www.washingtonpost.com/world/national-security/irans-revolutionary-courts-are-criticized-as-swift-and-unjust/2015/05/29/2d203708-0555-11e5-8bda-c7b4e9a8f7ac_story.html?utm_term=.c49c0b9461c3.

**Executions of juvenile offenders**

61. By ratifying both the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, the Islamic Republic of Iran has committed itself to protecting and respecting children's right to life and to forbidding the imposition and execution of the death penalty against persons younger than 18 years of age. Nevertheless, executions of juvenile offenders have continued at an unprecedented rate since the beginning of the year.

62. Seven such cases have been transmitted to the Special Rapporteur since January, and three of the juvenile offenders had already been executed when the information was received. At least 89 juvenile offenders were on death row in June; the exact number may be much higher. This strongly suggests that the 2013 juvenile sentencing provisions of the Islamic Penal Code have failed in stopping juvenile executions.

63. During a meeting held in March with officials from the High Council for Human Rights and members of the judiciary, the Special Rapporteur requested a list of all juvenile offenders on death row as well as information about the Criminal Procedure Bill in respect of Juveniles and Children, which she had mentioned in her first report.[38] She regrets that she has not received a response to her request.

64. In January, Arman Bahr Asemani, who was sentenced to death for a murder that he had committed when he was 16 years old, was executed in Kerman Prison after unsuccessful attempts to obtain the consent of the next of kin. During the same month, Hasan Hasanzade, 18 years old, was executed in Tabriz Central Prison for a murder that he had committed at the age of 15. In April, Ashgar Mohammadi, aged 46, was arrested for a murder that he had reportedly committed when he was 16 years old; he was executed in Karaj Central Prison a month later.[39]

65. The Special Rapporteur, jointly with other experts, intervened on behalf of four juvenile offenders at risk of imminent execution: Sajad Sanjari, Hamid Ahmadi, Mehdi Bohlouli and Peyman Barandah. While the Special Rapporteur welcomes the stay in their executions and the reconciliation obtained in the case of Mr. Barandah, she remains seriously concerned that, to date, the two others remain at risk of execution, their lives often depending on the capacity of their families to pay large amounts of blood money.[40] Such a system places individuals from poor families at a disproportionate risk of execution. At the time of reporting, another juvenile, Alireza Pour Olfat, was at risk of execution because his family had not managed to raise the requested amount.

66. Procedures involving children sentenced to death continue to be marred by violations of the right to due process and fair trial guarantees. In the case of Hamid Ahmadi, whose execution has already been scheduled three times, the court relied on confessions reportedly obtained under torture and ill-treatment at a police station, where Mr. Admadi had no access to a lawyer or to his family. These allegations never led to any investigation. Zeinab Sekaanvand Lokran, a child bride accused of murdering her husband when she was 17 years old, was reportedly subjected to repeated torture and denied access to a lawyer. The court reportedly ignored her retracted confessions. In March, she was informed that her sentence had

[38] See A/HRC/34/65, para. 22.

[39] See http://press.jamejamonline.ir/Newspreview/2853861935059485675 and https://iranhr.net/en/articles/2896/.

[40] Article 549 of the Islamic Penal Code provides that the amount of *diyah* (blood money) is determined at the beginning of each year by the head of the judiciary after obtaining the view of the Supreme Leader. However, nothing in law prevents the family of the deceased from conditioning a pardon on the receipt of larger sums of money.

been sent to branch 4 of the Office for the Implementation of Sentences in Oroumieh. She may therefore be executed at any time.

67. Requests for retrial based on article 91 of the 2013 Islamic Penal Code continue to be rejected without any reason being given, in violation of the 2015 decision of the Supreme Court requiring all courts to retroactively apply the new amendments to the Code to all cases adjudicated before 2013. Hamid Ahmadi submitted two such requests, both of which were rejected by the judge presiding over branch 35 of the Supreme Court. The Supreme Court also rejected the requests of Peyman Barandah three times without providing written justifications for those refusals. Mohammad Reza Haddadi, who has been held on death row for the past 13 years, was informed in January that his request for retrial had been rejected. In February, Ms. Sekaanvand Lokran's lawyer also learned through the online system of the Supreme Court that her request for retrial had been rejected. However, no written decision was communicated to her lawyer. At the time of reporting, no decision had been made as to whether Sa'id Ahadi Dolaq, a juvenile sentenced to death at the age of 16, would be granted retrial.

68. The Special Rapporteur notes that the outcome of a retrial depends on a judge's assessment of a child's maturity level at the time when he or she committed a crime, which is sometimes years ago. Such a subjective assessment can result only in arbitrary decisions regarding the life or death of a juvenile offender. In February, the judiciary agreed to commute the death sentences of six juvenile offenders, while rejecting four other requests for undisclosed reasons.[41]

69. Retaining the death penalty for boys of at least 15 lunar years of age and girls at least 9 lunar years old is inconsistent with the obligations of the Islamic Republic of Iran under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.[42] It is the obligation of the State to protect the rights of a child, not to leave that decision to the family of the victim.

70. During the reporting period, the Special Rapporteur continued to receive information about the harassment, intimidation and prosecution of human rights defenders seeking truth and justice on behalf of individuals who had reportedly been summarily executed or forcibly disappeared during the 1980s.

71. In March, families who visited a mass grave located in the city of Mashhad, Razavi Khorasan Province, where up to 170 political prisoners are believed to be buried, reportedly discovered that the previously flat area had been covered with soil to create a raised mound over the grave. In mid-May, bulldozers were reportedly seen working on a construction project directly alongside the mass grave site at Ahvaz, located on a barren piece of land 3 km east of Behesht Abad Cemetery, where the remains of at least 44 people killed during the summer of 1988 are believed to be located. The plan is reportedly to ultimately raze the concrete block marking the grave site and build a "green space" or commercial development over the site.

72. In her first report to the Human Rights Council, the Special Rapporteur raised the case of Maryam Akbari Monfared, who had been denied medical treatment and threatened with the cancellation of her visitation rights for having published a letter calling for an investigation into the executions of 1988.[43] In May, Ms. Akbari Monfared's husband was summoned for interrogation by the Ministry of Intelligence and Security and threatened with the prospect that his wife would face

[41] www.iranhumanrights.org/2017/02/6-juvenile-execution-has-been-canceled/.

[42] See articles 146 and 147 of the Islamic Penal Code.

[43] See A/HRC/34/65, para. 32.

an additional three-year prison term and exile to a remote prison in Sistan and Baluchestan Province if she continued to write open letters about the 1988 events.

73. Between July and August 1988, thousands of political prisoners, men, women and teen-agers, were reportedly executed pursuant to a *fatwa* issued by the then Supreme Leader, Ayatollah Khomeini. A three-man commission was reportedly created with a view to determining who should be executed. The bodies of the victims were reportedly buried in unmarked graves and their families never informed of their whereabouts. These events, known as the 1988 massacres, have never been officially acknowledged. In January 1989, the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, Reynaldo Galindo Pohl, expressed concern over the "global denial" of the executions and called on Iranian authorities to conduct an investigation. Such an investigation has yet to be undertaken.[44]

74. In August 2016, an audio recording of a meeting held in 1988 between high-level State officials and clerics was published. The recording revealed the names of the officials who had carried out and defended the executions, including the current Minister of Justice, a current high court judge, and the head of one of the largest religious foundations in the country and candidate in the May presidential elections. Following the publication of the audio recording, some clerical authorities and the chief of the judiciary admitted that the executions had taken place and, in some instances, defended them.

## F. Right to be free from torture and other cruel, inhuman or degrading treatment or punishment

75. The use of torture and ill-treatment, such as amputation, blinding and flogging, remains legal and a regular practice in the Islamic Republic of Iran. Reliance on physical and mental torture to coerce a confession (mostly during pretrial detention), the use of prolonged solitary confinement and the denial of access to proper and necessary medical treatment for detainees continue to be widely reported.

76. In January, Hossein Movahedi, a media reporter in Najafabad accused of disseminating falsehoods, was flogged for having mistakenly reported that the Najafabad police department had impounded 35 student-owned motorcycles, whereas the correct number was 8.[45] Under articles 609 and 698 of the Islamic Penal Code, criticizing government officials or publishing false news is punishable by 74 lashes. Since 2009, no fewer than 40 journalists and citizen journalists have reportedly been sentenced to 2,000 lashes.[46] Also in January, two persons convicted by branch 101 of criminal court 2 in Sarakhs were flogged in public.[47]

77. In April, Iranian media reported that three individuals accused of kidnapping and other crimes had been paraded in a degrading way around the town of Dehloran in Ilam Province, pursuant to an order by the Dehloran prosecutor.[48] Such degrading treatment has also been reported in several other Iranian cities in recent years, including Tehran, Mashhad, Qom and Sari.

78. In May, a young woman arrested on charges of having "satanic relations" with a man other than her husband was sentenced to two years of washing corpses in

[44] See E/CN.4/1989/26, para. 68.
[45] See www.isna.ir/news/95101911558.
[46] See https://rsf.org/en/news/iranian-revolutions-38th-anniversary-38-years-media-repression.
[47] See http://iranrights.org/library/document/3127.
[48] See www.mehrnews.com/news/3951403.

morgues and 74 lashes by the branch 5 criminal court in Tehran.[49] In their comments on the present report, the Iranian authorities explained that working in a mortuary should not be regarded as a humiliating punishment, because every job was respectable.

79. During the same month, the Special Rapporteur intervened on behalf of two men at risk of amputation in the city of Arak, Ali Rahzani and Hushang Kavusi. Mr. Rahzani was reportedly subjected to torture, including beatings with cables, and had no access to a lawyer until the first day of his trial. At no point during the judicial process did a lawyer assist Mr. Kavusi. The Special Rapporteur received information indicating that the amputation sentences handed down against at least nine persons had been confirmed. In their comments on the present report, Iranian authorities explained that amputations were carried out in rare cases in which "committed crimes may have disturbed the safety or sentiments of a huge number of people".

80. In June, the public and revolutionary prosecutor in Qazvin, Ismail Sadeghi Niaraki, announced that, out of the 90 people arrested for eating in public during the month of Ramadan, 20 had received flogging sentences, which had been carried out.[50]

81. The Special Rapporteur also received detailed information about inhuman and degrading conditions of detention in Iranian prisons.[51] A member of the judicial and legal commission of Parliament, Mohamad Ali Pourmokhtar, indicated a year ago that there were 400,000 prisoners in prisons originally built for 140,000 people.[52] This is nearly three times the capacity of the country's prisons.

82. Iranian officials also admitted that prisoners experienced a serious hygiene problem as well as a lack of proper medical care.[53] In Mahabad Prison, 500 people are reportedly jailed in a facility equipped with only four bathrooms and showers. The medical services available to inmates in the women's ward of Evin Prison in Tehran are reportedly grossly inadequate, and access to treatment for female inmates is restricted owing to Sharia-based reasons and the unavailability of female staff.[54] Dying in prison is not an extraordinary occurrence, according to some inmates.

83. In many cases, the deprival of medical care is used as a form of punishment. Out of the 21 communications sent to the Government since January, six contained allegations of denial of medical care with a view to intimidating or punishing detainees or coercing confessions. Although such cases have been denounced for years by international human rights mechanisms, no investigation seems to have yet taken place. Also of concern is the reported widespread availability of narcotics in prison, with prison guards reportedly playing an active role in their smuggling.

84. Reports also indicate that inmates are often subjected to ill-treatment and torture by interrogators and guards, including blackmailing, beating and physical abuse, verbal abuse, interrogation for long hours, sleep deprivation, forcing heads into toilets, and solitary confinement. The practice of forcing female political detainees to undress in front of male agents at the time of their arrest is disturbing. Two such cases were documented in 2017. The cases of 86 detainees subjected to prolonged periods of solitary confinement from 2013 to 2017 were also communicated to the Special Rapporteur.

[49] See www.aryanews.com/News/1201705131132912859/.

[50] See https://iranhr.net/en/articles/2909/.

[51] See https://united4iran.org/wp-content/uploads/FinalReport.pdf.

[52] See http://www.mashreghnews.ir/news/610625/.

[53] See www.bbc.com/persian/iran/2016/08/160813_an_iran_prisons_health_problems.

[54] See www.iranhumanrights.org/wp-content/uploads/ICHRI_report_WomensPrison_0616_WEB_Revised.pdf.

# IV. Thematic rights issues

## A. Women's rights

85. The Special Rapporteur was pleased by Mr. Rouhani's pledges in favour of raising the status of women in society. On 9 May, at a campaign rally, he indicated that gender discrimination and gender tyranny would not be accepted and announced that a comprehensive plan to deal with "women's uneven progress" in various areas would be adopted.

86. The Islamic Republic of Iran has committed itself to the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, including Goal 5, on achieving gender equality and empowering women and girls, and therefore has agreed to end all forms of gender discrimination, to eliminate all harmful practices such as child, early and forced marriage, and to ensure full and effective participation and equal opportunities for leadership at all levels.

87. While President Rouhani appointed three women as members of his Cabinet, there are currently no female ministers. Women were excluded from running in presidential elections, and only 6.3 per cent of the candidates in the city and village council elections held in 2017 were women. Women's participation in the job market remains as low as 16 per cent, and women earn 41 per cent less than men for equal work. Unemployment among women is twice as high as it is among men, with one out of every three women with a bachelor's degree currently unemployed.[55] Women remain excluded from certain occupations, including from serving as judges who issue rulings, although they may be appointed as assistant judges.

88. The capacity of civil society organizations to promote and protect women's rights has been considerably undermined as the result of attacks on women human rights activists in the form of judicial harassment, detention and smear campaigns.

89. In February, the Kurdish women's rights activist Farzaneh Jalali was arrested without prior summons and was charged with "acting against national security through propaganda against the State". Ms. Jalali was released on bail in March, after a 16-day detention in the Intelligence Service Detention Centre in Kermanshah.

90. In May, Ali Nejadi, Ezzatollah Jafari, Abdolreza Shakeri Roshan, Shapour Rashno and his wife, Zeinab Keshvari, Ashraf Rahim-Khani, Ali Mohammad Jahangiri and Pejman Mirzavand received sentences from branch 2 of the revolutionary court in Dezful of up to four years in prison for allegedly reading and spreading "feminist literature" in the Islamic Republic of Iran. They were arrested in 2015 by the intelligence unit of the Revolutionary Guards and were released on bail between one and two months later. The authorities sealed their bookstore.

91. Women who do not wear a hijab that conforms to authorities' interpretation of so-called "modesty" in public can be sentenced to up to two months in prison or to pay a fine. In May, a new social media campaign opposing the mandatory dress code imposed on Iranian women was launched. Using the hashtag #whitewednesdays, citizens have posted more than 200 pictures and videos of themselves wearing white headscarves or pieces of white clothing as symbols of protest. State-sanctioned media outlets as well as social media accounts believed to be affiliated with the Revolutionary Guards and Basij paramilitary forces have then published articles describing Masih Alinejad, founder of the online movement "My

[55] See www.hrw.org/report/2017/05/24/its-mens-club/discrimination-against-women-irans-job-market.

Stealthy Freedom" and launcher of the campaign, as a "whore"[56] and claiming that she was sexually abused.[57] Mashregh News reposted an article originally issued three years ago containing a photograph of Ms. Alinejad with her parents, together with a bold caption reading, "May God kill Masih". At the end of May, Ms. Alinejad's telegram account began to be targeted.[58] In June, Hojatoleslam Seyed Ebrahim Hosseini, in a Friday sermon, called women who wear white shawls "prostitutes".[59] Two members of Parliament, Tayebeh Siavoshi and Parvaneh Salahshouri, reportedly called on the judiciary to hold an inquiry on the defamatory remarks made against Ms. Alinejad.

92. Women continue to be banned from watching sporting events in stadiums, and several female athletes have been restricted from participation in international tournaments either by State sporting agencies or by their husbands. In March, a number of Iranian female billiard players were banned from competitions, allegedly for "violating the Islamic code of conduct". In April, female participants in an international marathon held in Tehran were required to run separately from men and on a shortened route. In June, hundreds of women were eventually allowed to watch an FIVB World Volleyball League match between the Islamic Republic of Iran and Belgium, the first time since 2012 that women had been permitted to watch such a match.[60] Article 89 of the Charter on Citizens' Rights provides that women have the right to access sport, educational and safe recreational facilities, and to attend national and world sport arenas, while preserving Islamic-Iranian culture.

## B. Ethnic and religious minorities

93. Since the issuance of the Special Rapporteur's first report, members of the Baha'i community have continued to suffer multiple violations of their human rights. Despite the fact that they have been documented for years, these violations continue unabated and with full impunity, as shown by the release of the murderer of a Baha'i referred to above. Over 90 Baha'is were in detention in prison as of June.

94. In April, the Working Group on Arbitrary Detention ruled that the detention of 24 members of the Baha'i community was arbitrary and concluded that they had been arrested and detained in violation of their right to freedom of religion.[61]

95. In line with the directives issued in 1991 by the Supreme Council of the Cultural Revolution on the "Baha'i question",[62] thousands of Baha'is have been expelled from their jobs, with their pensions having been terminated, and have been banned from employment in the public sector. Companies are pressured to dismiss Baha'i employees, banks are forced to block the accounts of Baha'i clients, and Baha'i business licences are either not issued, not extended or deliberately

[56] See www.tasnimnews.com/fa/news/1396/03/08/1422229/فساد-بدون-روزهای-ملولم-دد-و-دیو-از-آرزوست-اقتصادی.

[57] See http://nytlive.nytimes.com/womenintheworld/2017/06/12/my-stealthy-freedom-founder-the-target-of-ugly-smear-campaign-on-social-media/.

[58] See www.aparat.com/v/NxnWJ/انگلیس در نژاد علی مسیح به تجاوز.

[59] See www.ilna.ir/بخش-سایر-رسانه-ها-و-اکنش-10/497141-سخنان-به-امام-جمعه-جمعه-امام-ساوه-عذرخواهی کند.

[60] It is unfortunate that granting women such a basic right should be acknowledged with such relief.

[61] See www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_9.pdf.

[62] See http://news.bahai.org/human-rights/iran/yaran-special-report/feature-articles/the-1991-memorandum-on-the-bahai-question/.

delayed.[63] In April, 18 shops owned by Baha'is were sealed for being temporarily closed on a Baha'i holy day.[64]

96. Baha'is continue to be denied their right to higher education, either by being banned from entering universities or by being expelled without a proper explanation. At least 15 Baha'i students were expelled from Iranian universities between December 2016 and January 2017, with at least another 6 being expelled between January and May.[65]

97. Adherents of recognized religions also continue to face severe restrictions and discrimination, and are reportedly prosecuted for peacefully manifesting their religious beliefs.

98. Sunni Muslims in the Islamic Republic of Iran continue to assert that Iranian authorities do not appoint members of their communities to or employ them in high-ranking government positions, including Cabinet-level ministerial positions. Other Muslims belonging to various minority religious groups, such as the Nematollahi Gonabadi order and Yarsan, reportedly continue to face a range of human rights violations, including attacks on their places of worship, the destruction of community cemeteries and the arrest and torture of their community leaders. During the reporting period, several university students and professors who are followers of the Gonabadi dervishes were banned from various universities. Others were reportedly victims of attacks carried out by security forces and subjected to threats by the intelligence unit of the Revolutionary Guards.

99. In January, an appeals court in Tehran upheld a five-year prison sentence against the Christian convert Ebrahim Firoozi for alleged missionary activities.[66] In February, the Iranian Catholic converts Anoohe Rezabakhsh and her son Sohail (Augustin) Zargarzadeh were arrested in their home by the Islamic Revolutionary Guard Corps in Oroumiyeh, West Azerbaijan Province.[67]

100. The Special Rapporteur received detailed information about the reported persecution of the Arab ethnic minority in the Islamic Republic of Iran known as the Ahwazi Arabs, which included allegations of a change in the ethnic composition of the region through the confiscation of land and the establishment of settlements. Information about 45 cases involving the arrest and detention of Ahwazi Arabs was transmitted during the reporting period. Most of the cases seem to have taken place after participation in cultural and traditional events or protests against environmental degradation. Ali Kaab Omeir, 17 years old, was reportedly arrested in February in the Keyan Abbad neighbourhood of Ahwaz, Khuzestan Province, and remains detained incommunicado for his participation in a protest against a policy aimed at diverting water from Ahwaz to other provinces. In May, three Arab ethnic rights activists, Issa Damni, Mojahed Zargani and Hossein Heydar, were sentenced to a year in prison by branch 4 of the revolutionary court in Ahwaz for organizing Arabic-language classes and promoting ethnic rights.[68]

101. Article 101 of the Charter on Citizens' Rights recognizes the right of citizens to learn, use and teach their own local language and dialect. Notwithstanding that fact, in February four Azeri activists, Alireza Farshi, Akbar Azad, Behnam Sheikhi and Hamid Manafi, were given long prison sentences for peacefully advocating the

[63] See http://news.bahai.org/story/1119/.
[64] See www.bic.org/focus-areas/situation-iranian-bahais/current-situation.
[65] See http://acenebahai.org/fa/node/3306 (in Persian).
[66] See www.mei.edu/content/io/authorities-iran-intensify-crackdown-christian-converts.
[67] See www.iranhumanrights.org/2017/03/iranian-catholic-converts-arrested-in-northwestern-iran/.
[68] See www.gamac.info/fa/1396/03/09.

teaching of their mother tongues in local schools, having been charged with "forming an illegal group" and "assembly and collusion against national security".

102. In March, the ethnic Azeri activist Abbas Lesani was tried on charges of "acting against national security" and "propaganda against the State" for advocating State recognition of his mother tongue and making a speech at a friend's wedding in which he called for an end to discrimination against Azeris in the Islamic Republic of Iran.[69] During the same month, authorities also re-arrested another Azeri activist, Morteza Moradpour, who had been released after a prolonged hunger strike.

103. During the first five months of 2017, Iranian border security forces killed 30 Kurdish *kulbars* (border couriers) and injured 60 others. In January, a Kurdish citizen, Hayadat Abadullahpur, was sentenced to death for alleged cooperation with the Democratic Party of Iranian Kurdistan. Six others received long sentences on the same charges. At the end of June, a group of Kurdish *kulbars* were attacked by Iranian border guards; two of them were shot dead or wounded in the "Wargenem" area, on the border between Orumiyeh and Turkey, as a result of direct shootings of guards.[70]

104. The Special Rapporteur was encouraged by the promise made by President Rouhani during his campaign to promote equal rights for all Iranians. "Our path is the path of peaceful coexistence with all ethnicities in the country," said President Rouhani while discussing minority rights during a campaign rally on 18 May 2017.[71] The Special Rapporteur looks forward to seeing those declarations followed up with effective measures to put an end to the human rights violations suffered by members of all ethnic and religious minorities in the Islamic Republic of Iran.

## V. Conclusions and recommendations

105. **Several notable developments have taken place in the Islamic Republic of Iran since the Special Rapporteur took up her mandate, including the adoption of the Charter on Citizens' Rights and the announcement that an implementation body of the Charter would be established, the recent progress made at the Parliament level to reform the Anti-Narcotics Law and the strong stances in favour of human rights made by President Rouhani. Those positive signs must give rise to hope that the human rights situation in the country might improve. However, so far violations of human rights have continued in many areas and on a wide scale.**

106. **Since her appointment, the Special Rapporteur has been contacted by a large number of Iranians both outside and inside the country. She continues to be extremely disturbed by the level of fear of those who have tried to communicate with her. She notes that interlocutors living outside the country have expressed fear, mainly of possible reprisal against their family members living in the Islamic Republic of Iran.**

107. **The Special Rapporteur remains deeply concerned about the alarming level of executions, including of juveniles, in the country. She reiterates her call on the Government to immediately and unconditionally abolish the sentencing of children to death and to engage in a comprehensive process of commutation of all death sentences issued against children, in line with juvenile justice**

[69] See www.iranhumanrights.org/2017/04/iranian-azeri-rights-activist-on-trial-for-advocating-mother-language/.

[70] See http://kurdistanhumanrights.net/en/two-kurdish-kolbars-shot-dead-wounded-iranian-border-guards-orumiyeh/.

[71] See https://twitter.com/IranNewspaper/status/861499681481912320.

standards. The Special Rapporteur also reiterates her calls to establish a moratorium on the use of the death penalty, to replace the death penalty for drug-related offences with penalties that comply with relevant international standards, and to end the practice of public executions.

108. Punishments such as flogging, blinding, amputation and stoning, which violate the absolute prohibition of torture and other forms of ill-treatment, continue to be implemented. Major overcrowding in Iranian jails, unhygienic detention facilities, lack of proper medical care, torture and ill-treatment by prison officials, and solitary confinement continue to be daily realities for thousands of prisoners in the Islamic Republic of Iran. Despite the fact that it has been documented for years, the pattern of denial of medical treatment to certain categories of detainees, especially prisoners of conscience, has not led to any investigations, let alone sanctions. At the time of reporting, many prisoners were still at risk of dying as a result of this inhuman practice. The Special Rapporteur urges the Government to abolish any provision that authorizes any form of cruel, inhuman or degrading treatment or punishment, to address as a matter of priority the state of despair in its prisons and to investigate all allegations of torture and ill-treatment and hold accountable those found guilty.

109. Over the years, a high number of reports have been issued about the 1998 massacres. If the number of persons who disappeared and were executed can be disputed, overwhelming evidence shows that thousands of persons were summarily killed. Recently, these killings have been acknowledged by some at the highest levels of the State. The families of the victims have a right to know the truth about these events and the fate of their loved ones without risking reprisal. They have the right to a remedy, which includes the right to an effective investigation of the facts and public disclosure of the truth; and the right to reparation. The Special Rapporteur therefore calls on the Government to ensure that a thorough and independent investigation into these events is carried out.

110. A significant deterioration in the situation of persons exercising their right to freedom of opinion and expression or carrying out their activities as human rights defenders was observed in the lead-up to the May elections, with a high number of arrests and detentions of journalists, political activists, human rights defenders, including trade unionists, and representatives of ethnic and religious minorities. The intelligence and security apparatus played a critical role in this crackdown and in reprisals against family members of those expressing peaceful dissent. Rights-related activities in all fields continue to incur vague national security charges. This has resulted in large-scale arbitrary arrests and detentions. The reports that are received by the Special Rapporteur are numerous, and these, too, are the tip of the iceberg. Furthermore, the Special Rapporteur submits only a fraction of the reports received by her, ensuring their absolute verification. The lack of independence of the judicial system, in particular the revolutionary courts, is alarming. Those arrested owing to their political or other beliefs or those who challenge the authorities are not granted a fair trial or due process — even the elements thereof that are available under Iranian laws. Revolutionary courts are viewed not as a forum for granting justice, but as an extension of the coercive executive branch of the Government that operates to control all criticism or independent actions for securing rights.

111. The Special Rapporteur urges the Government, in line with its international obligations, to immediately release all detainees who have been imprisoned for exercising their right to freedom of opinion, expression and peaceful assembly and to quash the prison sentences that have been handed

down against others for similar reasons. State entities that organize crackdowns on peaceful dissent should be identified and held accountable in order to prevent a recurrence of such violations. The Government should also take strict measures to ensure that the security and intelligence apparatus stops using reprisals against the families of those who monitor or campaign against human rights violations or express views that are contrary to government policies.

112. In order to improve the human rights record in the Islamic Republic of Iran, the Government will have to reform the judicial system with a view to ensuring its independence. Appropriate training for the members of the judiciary is also necessary to ensure that guarantees of a fair trial and due process are effectively respected.

113. The Special Rapporteur reiterates her call on the Government to uphold the integrity of judges, prosecutors and lawyers, notably by ensuring that appointments of judges are transparent and based on merit and by protecting them, their families and their professional associates against all forms of violence, threats, retaliation, intimidation and harassment as a result of discharging their functions.

114. Bar associations and bar councils should be strengthened so that they are self-regulatory and function independently. That would enable them to regulate the profession without discrimination and to develop tools to protect its members from being persecuted for their independent professional decisions or views.

115. Limited measures have been taken to eliminate the numerous legal provisions that discriminate against women and render them secondary citizens who have to be managed and monitored at every level — by the State, by society and by the male members of the family. The Special Rapporteur is also concerned about the continuous repression of women's rights activists, including smear campaigns against women opposing the compulsory dress code imposed on Iranian women.

116. The Special Rapporteur calls on the Government to ratify the Convention on the Elimination of All Forms of Discrimination against Women, to repeal all laws that discriminate against women and girls and to ensure that any bill still before Parliament that would further undermine the empowerment of women is dropped. She urges the Government to ensure the freedom of movement of women and girls and guarantee their right to physical education, physical activity and sport. Laws imposing dress codes on women should be reviewed, and the Government should respect the right of anyone to privacy and ensure that security forces refrain from acting as moral guardians of the citizens.

117. The situation of recognized and unrecognized religious minorities remains a matter of serious concern. Baha'is continue to be systematically discriminated against and targeted, and efforts are afoot to systematically deprive them of the right to a livelihood. The Special Rapporteur urges the authorities to recognize that freedom of religion or belief entails the freedom to choose a religion or belief, and that measures restricting eligibility for civil, political, social or economic privileges, or imposing special restrictions on the practice of other faiths, violate the prohibition of discrimination based on religion or belief and the guarantee of equal protection under article 26 of the International Covenant on Civil and Political Rights.

118. The Special Rapporteur is disturbed by the number of detailed reports that she has received from members of ethnic minority communities regarding

**arbitrary arrests, detentions, torture and prosecution for activities that promote social, economic, cultural and linguistic rights. The Special Rapporteur urges the authorities to recognize that dialogue and the inclusive participation of all the citizens in a diverse society can form the basis for enduring initiatives that address poverty and development, and can also serve to strengthen protections for the rights of all ethnic minorities in the country. She further encourages authorities to ensure that the rights of the members of the most vulnerable communities of the Islamic Republic of Iran are protected and respected.**